

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FEDERAL HOME LOAN BANK OF  
BOSTON,

Case No. 1:11-cv-10924-GAO

Plaintiff,

v.

FRANKS, et al.,

Defendants.

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FEDERAL HOME LOAN BANK OF  
BOSTON,

Case No. 1:11-cv-10952-GAO

Plaintiff,

v.

ALLY FINANCIAL INC. et al.,

Defendants.

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**UNOPPOSED MOTION FOR LEAVE TO FILE MEMORANDUM IN SUPPORT OF  
MOTION TO REMAND  
IN EXCESS OF PAGE LIMIT**

Plaintiff Federal Home Loan Bank of Boston hereby seeks leave of Court to file a Memorandum of up to thirty-five pages, fifteen more pages than the limit imposed by Local Rule 7.1(B)(4) of the Local Rules of the United States District Court of Massachusetts, in support of its single motion to remand this action, currently reflected as two related proceedings on this Court's docket, to state court. In support of its motion, Plaintiff states as follows:

1. Federal Home Loan Bank of Boston ("Plaintiff") commenced its action on April 20, 2011, with the filing of the complaint (the "Complaint") in the Suffolk County Superior

Court, Massachusetts (the “State Court”), *sub nom. Federal Home Loan Bank of Boston v. Ally Financial, Inc., et al.*, No. 11-1533 (the “Action”), where it was accepted into the Business Litigation Session on April 25, 2011.

2. On May 23, 2011, Defendants Lana Franks, Richard S. Fuld, Jr., Edward Grieb, Richard McKinney, Christopher O’Meara, Kristine Smith, James J. Sullivan, Samir Tabet, and Mark Zusy removed to this Court the claims alleged against them in the Action. Dkt. No. 1, Case No. 1:11-cv-10924-GAO. This removed proceeding is pending in this Court *sub nom. Federal Home Loan Bank of Boston v. Franks, et al.*, No. 1:11-cv-10924-GAO.

3. On May 25, 2011, Defendant Barry J. O’Brien joined in the removal filed by Defendants Franks, Fuld, Grieb, McKinney, O’Meara, Smith, Sullivan, Tabet, and Zusy, and further removed to this Court the claim alleged against him in the Action. Dkt. No. 3, Case No. 1:11-cv-10924-GAO. The Defendants removing on May 23 and May 25 are referred to herein as the “Lehman Defendants.”

4. On May 26, 2011, Defendants Bear Stearns Asset Backed Securities I, LLC, EMC Mortgage Corporation, J.P. Morgan Acceptance Corporation I, J.P. Morgan Mortgage Acquisition Corp., J.P. Morgan Securities, LLC (f/k/a Bear, Stearns & Co. Inc. and J.P. Morgan Securities, Inc.), JPMorgan Chase & Co., JPMorgan Securities Holdings, LLC, Structured Asset Mortgage Investments II, Inc., The Bear Stearns Companies, LLC (f/k/a The Bear Stearns Companies Inc.), and WaMu Capital Corp. (collectively the “JPMC Defendants”) removed the Action to this Court. Dkt. No. 1, Case No. 1:11-cv-10952-GAO. This removed proceeding is pending in this Court *sub nom. Federal Home Loan Bank of Boston v. Ally Financial, Inc., et al.*, No. 1:11-cv-10952-GAO.

5. This Court has related the two separately removed proceedings in this Action, and the proceedings are pending before this Court under two separate docket numbers.

6. On May 26, May 27, and May 30, 2011, the remaining Defendants in the Action either removed the Action or filed notices of joinder in the removal filed by the JPMC Defendants. *See* Dkt. Nos. 3, 5, 6, 8, 10, 15, 17, 21, 25, 27, 34, 36, 39, 43, 49, 50, 56, 60, and 62, No. 1:11-cv-10952-GAO.

7. To date, Defendants in the Action have filed 22 notices of removal or joinders in notice of removal (collectively the “Removal Papers”).

8. Plaintiff has decided to file a single Motion to Remand the Action to state court explaining why this Court lacks subject matter jurisdiction over the Action, or in the alternative, why mandatory abstention or equitable remand of the Action is appropriate even if this Court finds there is subject matter jurisdiction.

9. Pursuant to this Court’s Local Rule 7.1(B)(4), Plaintiff’s Remand Motion is limited to 20 pages absent leave of Court.

10. Given the significance of the issue being briefed – whether this Court has subject matter jurisdiction over the Action – and the number of issues raised by Defendants in their 22 sets of Removal Papers, Plaintiff believes the Court would benefit from the fuller discussion of the relevant issues supporting remand that its requested page extension would allow.

11. As a result, Plaintiff respectfully requests an additional 15 pages, for a total of up to 35 pages, in which to brief the issues in its Memorandum in Support of Motion to Remand.

12. This motion has not been filed to cause delay or for any other improper purpose. The motion shall cause no prejudice to any party or to the Court’s docket.

13. The Lehman Defendants do not oppose this request.

14. The JPMC Defendants do not oppose Plaintiff's request to have an additional 15 pages, for a total of up to 35 pages, in which to brief the issues in its Memorandum in Support of Motion to Remand, so long as such Defendants are allowed the same number of pages in which to respond to Plaintiff's motion. The JPMC Defendants do not consent to, and oppose, other aspects of the instant motion.

WHEREFORE, Plaintiff respectfully request that the Court enter the following order:

1. Plaintiff shall have an additional 15 pages, for a total of up to 35 pages, in which to brief the issues in its Memorandum in Support of Motion to Remand.

2. The JPMC Defendants shall have an additional 15 pages, for a total of up to 35 pages, in which to brief the issues in their opposition to Plaintiff's Motion to Remand.

Dated: June 10, 2011

Respectfully submitted,

/s/ Adam M. Stewart

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*Attorneys for Plaintiff Federal Home  
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**RULE 7.1(A)(2) CERTIFICATE**

I, Adam M. Stewart, hereby certify that I have conferred with counsel for Defendants and they do not oppose this motion.

/s/ Adam M. Stewart  
Adam M. Stewart, BBO No. 661090

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent via U.S. first class mail to those indicated as non-registered participants on June 10, 2011.

/s/ Adam M. Stewart  
Adam M. Stewart, BBO No. 661090